State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES PO BOX 360 TRENTON, N.J. 08625-0360

JAMES E. McGREEVEY

Governor

www.state.nj.us/health

CLIFTON R. LACY, M.D. Commissioner

January 10, 2003

Mr. Vince Robbins, President M.O.N.O.C. - Mobile Intensive Care Program 151 Industrial Way East, Building C Eatontown, New Jersey 07724

Re:

Notice of Proposed Assessment of Penalties:

Mobile Intensive Care Program Investigation Control # 02-A-075

Dear Mr. Robbins:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which governs the provision of advanced life support services within the State of New Jersey. This law establishes a scheme that permits a hospital, once approved, to develop and maintain a mobile intensive care program and to provide advanced life support services utilizing licensed physicians, registered professional nurses trained in advanced life support and certified Emergency Medical Technician-Paramedics. In furtherance of this statutory scheme, the Department of Health and Senior Services has adopted regulations that govern the administration and operation of these mobile intensive care programs. See, N.J.A.C. 8:41-1.1, et seq.

On September 4, 2002, staff of this Department's Office of Emergency Medical Services (OEMS) was made aware of an occurrence in which MONOC's Mobile Intensive Care (MIC) Program operated a licensed MIC Unit with improper staff levels. This incident was appropriately reported to the Department by Mr. Jeff Behm, Director of Operations. The facts as I understand them are as follow: On August 27, 2002, a MONOC ambulance was staffed with an Emergency Medical Technician-Basic, Emergency Medical Technician-Paramedic and a Registered Nurse. Despite the fact that the registered nurse did not meet the criteria for an MICN listed in N.J.A.C. 8:41-4.11, this crew responded and completed advance life support assessments and treated patients as if they were an MIC Unit. During this incident, three patients were treated as prehospital advanced life support patients and one patient received an advanced life support evaluation and was released to basic life support by the MIC Unit. During this time, there was only one person on the MIC Unit, the paramedic crewmember, that met the requirements of N.J.A.C.8:41-3.14.

Pursuant to N.J.A.C. 8:41-2.7(b), violation by a Mobile Intensive Care Program of any portion of N.J.A.C. 8:41-1.1 et seq. may be cause for action against the program, including, but not limited to, reprimand, placing of conditions for continued operation of a program, suspension of license, revocation of license, fines, reassignment of medical command or any combination thereof. Therefore, in accordance with N.J.A.C. 8:41-2.7(b) and N.J.S.A. 26:2K-15, MONOC is hereby assessed a penalty in the amount of \$200 for the violation of N.J.A.C. 8:41-3.14.

A certified check or money order in the amount of \$200, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2K-15, failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement law (N.J.S. 2A:58-1, et seq.). Payment should be forwarded to:

> New Jersey Department of Health & Senior Services Office of Emergency Medical Services P.O. Box 360, 50 E. State Street Trenton, NJ 08625-0360 Attn: Susan Way

Pursuant to N.J.A.C. 8:41-2.8, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

> New Jersey Department of Health & Senior Services Office of Legal & Regulatory Affairs P.O. Box 360, Room 805 Trenton, NJ 08625-0360 Attn: Mrs. Carole Slimm

Please include the control number noted above 02-A-075 on all of your correspondence. Finally, please note that failure to submit a request for a hearing within 30 days of this letter shall render this Notice final, and the entire \$200 shall be immediately due and payable. If you have any questions concerning this matter, please do not hesitate to contact Mr. Charles McSweeney or Ms. Karen Halupke of my office at (609) 633-7777.

Susan Way

Office of Emergency Medical Services

Mr. Jeff Behm, Director of Operations MONOC - Mobile Intensive Care Program Dr. Mark Kimmemmer, D.O., Medical Director MONOC - Mobile Intensive Care Program

Mrs. Slimm, L&RA Ms. Halupke, OEMS Mr. McSweeney, OEMS

C:

REGULAR U.S. AND CERTIFIED MAIL #7001 0360 0001 9158 7929 RETURN RECEIPT REQUESTED